

VICTORIA LI, ESQ (SBN 248888)
THE VICTORIA LAW OFFICES
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Attorney for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE)	Case No. 09-42613 LT 13
DANIEL SAYSON FLORES &)	
MELISSA FLORES)	OBJECTION OF CLAIM AND REQUEST
)	TO DISALLOW CLAIM
)	Date:
)	Time:
DEBTOR(S))	Judge:
)	
)	
)	

The debtors, DANIEL SAYSON FLORES & MELISSA FLORES, ("Objecting Party")
object to the claim of: LOUIS K. KASPRACK

NAME AND ADDRESS OF CLAIMANT	CLM#	DATE FILED	DOLLAR AMOUNT
LOUIS K. KASPRACK 2017 MOUNT HAMILTON ANTIOCH, CA 94531-8331	17	8/8/2009	\$141,367.00 (Priority amount \$10,950.00)

Basis for the objection is as follows:

The Debtors owe \$0.00 to the Claimant because the following grounds:

- (1) There is no valid contract because either party did not sign the contract. They were merely witnesses.
- (2) Even if there is a valid contract, the Claimant conducted material breach in performance of such

Objection to Claim and
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1 contract. The contract was not be able to executed because the Claimant was the first party to
2 repudiate the contract by refused performing his duty and providing his liquor license to the store
3 under the contract (anticipatory repudiation). Without the liquor license, the business was impossible
4 to run and had to be closed. The Claimant was the person who resulted in the cessation of the
5 debtors' business. The claimant chose to terminate the contract by refused to perform under the
6 contract. Therefore, the claimant's conduct presents material breach on the contract.

7 (3) Even if there is a valid contract, the debtors were excused to perform their duties. The claimant's
8 material breach of the contract excused debtors from performance under the contract. The debtors'
9 duty under the contract was thus discharged.

10 **In conclusion, the claimant does not have a legitimate claim against debtors'**
11 **bankruptcy estate.**

12 NOTICE IS HEREBY GIVEN, pursuant to FRBP 3007, as modified by Local Rule 9014: (1) that
13 any objection to the requested relief, or a request for hearing on the matter must be filed and served
14 on the Objecting Party within twenty (20) days of mailing this notice; (2) that a request for hearing
15 or objection must be accompanied by any declarations or memoranda of law the objecting or
16 requesting party wishes to present in support of its position; (3) that if there is not a timely objection
17 to the requested relief or a request for hearing, the court may enter an order granting the relief by
18 default; and (4) that the initiating party will give at least the (10) days written notice of hearing to
19 the objecting or requesting party, and if applicable, to any trustee or committee appointed in this
20 case, in the event an objection or request for hearing is timely made.

21 The Objecting Party asks the Court to enter an Order that disallows this claim, if no hearing is
22 requested.

23 Dated: September 2, 2009

/s/Victoria Li
THE VICTORIA LAW OFFICES
VICTORIA LI, ESQ.
ATTORNEY FOR THE DEBTORS

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Request Disallow Claim

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I am over the age of 18 years and not a party to this action. I am employed by THE VICTORIA LAW OFFICES whose business address is 2845 Moorpark Ave., Suite 110, San Jose, CA 95128. On the date set forth below, I served a copy of this Objection to Claim and Request to Disallow Claim, and this **Certificate of Mailing**, on the persons listed below by following our ordinary business practice for mailing, where it is deposited in the ordinary course of business with the U.S. Postal Service by first class mail. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

JOAN M. GRIMES, ESQ
ATTORNEY FOR THE CLAIMANT
LAW OFFICES OF JOAN M. GRIMES
2950 BUSKIRK AVE., #140
WALNUT CREEK, CA 94597

Dated: 9/2/2009

/s/Susanna Lopez
SUSANA LOPEZ